

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN

THURSDAY, THE 4TH JANUARY 2007 / 14TH POUSHA 1928

W.A.No.27 of 2007

AGAINST THE JUDGEMENT IN W.P.(C).31848/2006 DATED 07/12/2006
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APPELLANT: PETITIONER:-

K.V.MUHAMMED, S/O.HUSSAIN,
AGED 40 YEARS, MANAGING DIRECTOR,
TOP LAND BUILDERS AND DEVELOPERS PVT.LTD.,
KANNUR, RESIDING AT K.V.HOUSE, S.NAGAR,
TALIPARAMBA, PIN-670 141.

BY ADV. SRI.V.RAJAGOPAL
SRI.G.MOHAN

RESPONDENTS: RESPONDENTS:-

1. CHIEF MANAGER,
STATE BANK OF TRAVANCORE, KANNUR MAIN BRANCH,
PLATINUM CENTER, FORT ROAD, KANNUR.
2. V.JAMAL HAJI,
THE SAREE PARK, AL-FALAH COMPLEX,
NETAJI ROAD, KANNUR.

R1 BY ADV.SRI.SATISH NINAN.
R2 BY ADV.SRI.A.K.ABDUL AZEEZ.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 04/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

V.K.Bali,C.J. & M.Ramachandran,J.

W.A.No.27 of 2007

Dated, this the 4th day of January, 2007

JUDGMENT

V.K.Bali,C.J. (Oral)

This appeal has been filed challenging the judgment dated 7.12.2006 recorded by the learned Single Judge in W.P. (C).No.31848 of 2006. The limited contest in this case is with regard to authority of the petitioner to issue cheques on behalf of the Company of which he is stated to be the Managing Director. The plea raised by him was opposed by the respondents on the ground that there were no authorisation in favour of the petitioner. This was essentially a civil dispute. Learned Single Judge, however, examined the matter and observed that the Bank may clear cheques signed by the petitioner if he obtains fresh resolution from the Board of Directors of the Company confirming his authority to sign the cheques already issued and pending clearance. It is not understandable as to how, even though such a plea is only permissible in a civil suit and yet the

learned Single Judge has, indeed, chosen to observe that the petitioner should obtain a fresh resolution from the Board of Directors, this appeal has been filed. No merits. Dismissed.

V.K.Bali
Chief Justice

vku/-

M.Ramachandran
Judge